

Naples City Council

August 26, 2021

Minutes

The regularly scheduled meeting of the Naples City Council was held August 26, 2021, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were James Richards, Kimball Baumgarten, Alex Brown, Kade Ufford, Camber Wallenda, Dennis Hall, Savannah Kiever, Azra Twiss, Kael Blackhorse, Jessy McKee, Bobby Oostveen, Kairi Winn, Kenadee Allred, Reagan Smith, Steph Adams, Scott Adams, Brooks Jones, Fernando Rivera, Bret Stringham, Mike Davis, Kelli Davis, Julie Harrison, Gwen Harrison, Halle Hacking, Wakara Acuflar, Sienna Martinsen, Bret Reynolds, Szeth Simmons, Ryan Cook, Andrew Cox, and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Kenneth Reynolds offered the invocation.

OPENING CEREMONY

Mayor Baker asked to add one item under other matters and Councilman Kitchen also asked to add one item. Mayor Baker asked for approval of the agenda. Robert Hall **moved** to approve the agenda. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of August 12, 2021 were presented for approval. Dan Olsen **moved** to approve the minutes as presented. Dennis Long **seconded** the motion. The motion passed with all in attendance voting in the affirmative.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Nothing was brought forward

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Nikki Kay presented the bills for payment in the amount of

APPROVAL OF THE BILLS

\$48,965.58. Dennis Long **moved** to approve payment of the bills in the amount of \$48,965.58. Kenneth Reynolds **seconded** the motion the motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received for **Vacation Rental Properties dba: Stuff It Storage** located at 580 Wright Bros. Drive. It was noted this license was applied for and paid for in 2019 but was never presented for approval because Nikki Kay was waiting for final approval from Mr. Peterson that the storage units were all set. The license was presented for approval at this time and would renew in January like the other businesses. Dennis Long **moved** to approve the business license. Kenneth Reynolds **seconded** the motion. The motion passed with all voting in the affirmative.

BUSINESS LICENSE APPROVALS

A business license application was received for **Uintah Basin Gardens** located at 1392 E 1300 S. Nikki Kay stated this business would be located at the same place as the Uintah Basin Herbals. The business would construct Walapini Greenhouses on site at the buyer's location. Robert Hall **moved** to approve the license for Uintah Basin Gardens. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

Jessy McKee came before the Council to discuss a sign he owned that used to be located at the corner of 2000 S 1500 E. Jessy McKee said he ran into an issue with UDOT regarding the old billboard he owns on CIVEO's property at 1884 S Hwy 40. Mr. McKee said he was trading signs with CIVEO. He said neither of the signs is worth a lot but the permit from UDOT is worth a lot. He stated they are almost impossible to get. Mr. McKee stated UDOT didn't have any issues but they do need Naples City to recognize the other sign that was already there. He said he asked CIVEO to check with the City before taking his sign down and was told by the City they didn't need a permit. Mr. McKee said the sign came down a lot sooner than he wanted because he wanted the permit from UDOT before it came down. Mr. McKee said he checked with the Planning Commission, who

DISCUSSION REGARDING USE OF SIGN - JESSY MCKEE

seemed to have no issues, but they recommended he check with the City staff. He said he checked with Dale but didn't see any reason why there should be an issue because it is actually helping clean up that corner. Mr. McKee said CIVEO took down the other sign because they are getting ready to put up a new sign for their business. Mr. McKee said he feels like he is getting hung up on a little technicality. Mayor Baker said he did visit with Dale Peterson and they went in on UDOT's website and pulled up the information. He said the sign Mr. McKee has transferred his permit to would be considered an on-premise sign. He said it's not a billboard and it's not an off-premise sign. Mr. McKee stated it would become a billboard if they transfer that permit to it. Mayor Baker said it is not one now and the City would have to create one. Mr. McKee said it would just be like the one he had, it has just moved down the road. Mayor Baker said in the sign ordinance it says the City does not allow any new billboards. Mr. McKee said it also states if one is to be removed there should be a permit issued and 36 months given to put up a new one and he said CIVEO was told they didn't need to get one. He feels like he did everything on his part so he would like to not lose a \$40,000 investment. He stated Reagan Signs was able to do it and then they tightened up the ordinance after that but he is the only one who will be hurt by this. Mr. McKee said he understands where they are coming from but the other sign should have never come down before he could finish his process. Mayor Baker said they looked on UDOT's website and it didn't show any permit for sign #1 only for sign #2 and that was just recently applied for. Mr. McKee said he's always owned the permit for sign #1 and just recently applied to transfer that permit to sign #2. Councilman Long asked if he was building anything new. Mr. McKee said he is not building anything new. He said this is the reason he was so hesitant to have sign #1 ever come down, but he felt like he did everything he could to make sure everything was okay and it will be a huge hit to him that can never be regained. Mr. McKee stated he can't afford to lose this permit and that he never took the old sign down and wanted everything taken care of before it came down. Mr. McKee said it makes sense to have the old sign gone because it makes everything on the corner look better but the sign should never have come down until he had the permit transferred. He believes the sign came down because Mr. Peterson told CIVEO they could take the sign down without having a permit. Mr. McKee said UDOT approved this and didn't feel like anything else was needed where he was not building anything new but then

decided it would be helpful to have something from the City. He said if he doesn't get that he might have to do the same thing Reagan did, without the good legal team they had. Councilman Reynolds said, to him, neither one of them looks like a billboard and they don't qualify as a billboard. Mr. McKee said they don't but they have been there for a long time. Councilman Reynolds said Mr. McKee is asking for a new permit for a billboard and the Land Use Ordinance reads "no new billboards." Mr. McKee said Mountain West approached him about trading signs and he didn't really care, he just didn't want to risk losing his UDOT permit. He said he is not building a new billboard. Mayor Baker asked Mr. McKee what he was proposing to do with the sign? Mr. McKee said he would be doing the same as he has with the other sign, he would put Cardwell and Basin Irrigation business names up on the sign. Mayor Baker stated under the current ordinance the City allows on-premise signs for the business located there or off-premise signs that are directional. Mr. McKee asked if they would acknowledge his off-premise sign then. Mayor Baker said an off-premise is a sign that "directs" to a business that is off highway 40. Mayor Baker stated they may need to get clarification from the City Attorney about the definitions because the way he looks at it, this would not be a billboard and he wouldn't be able to do any advertising, only a directional sign to a business located off highway 40.

Mr. Bobby Oostveen approached the Council at this time to speak in behalf of Mr. McKee. He stated this sign has been recognized by everyone else this entire time as a billboard and it has been there a long time. Mayor Baker stated it is an on-premise sign. Mr. Oostveen stated the City is who allowed the sign to come down and even though the City doesn't see it as a billboard that is what it was used as and now Jessy is the one getting hosed on it. Mr. Oostveen asked if Mr. McKee had a permit for the sign that was there before. Mayor Baker said they don't know that. Mr. McKee stated the permit number was included in the information they had. Mayor Baker stated the permit number they have shows on the sign in front of the old Arn's Wood Shop and that it was only activated a week ago. Mr. Oostveen stated the sign was there forever and was used for purposes of advertising for businesses that were not on that piece of property and now the City has allowed it to come down. He said now the City won't recognize that is what he had and that just makes them look like jerks. Mr. McKee said he just needs the City to recognize the sign that was there and they

can just say it was an existing structure. Councilman Long asked Mr. McKee what he was going to advertise? Mr. McKee said it would be Cardwell and Basin. Councilman Long asked if there was ever a directional arrow. Mr. McKee said it was just the company logo. Councilman Long asked if he could put a directional arrow on there. Mr. McKee said he could put an address if that is what they want. He said he really wished he had never agreed to the project but thought it was an absolutely nothing issue. Mr. McKee said if UDOT shows the sign in front of Arn's Wood Shop then maybe they have already transferred it and this is not an issue. Mr. Oostveen said he should be able to put his stuff back up on that one and it shouldn't be an issue. Mayor Baker said it's not a billboard, that it's an on-premise sign. Mr. Oostveen said his permit says it is a billboard. Mr. McKee wanted to know if he would get in trouble using it for that purpose. Mr. McKee read a portion of the Land Use Code about moving or relocating an existing billboard and if UDOT shows his permit then he should be good. Mayor Baker said the City views it as an on-premise sign which only allows for the business located on the property to advertise. Councilman Hall said this feels like it is coming down to definitions and asked if they could take some time to get a legal opinion on this. Councilman Long asked if Mr. McKee was in a big hurry and if he could wait just a little bit while they get an answer. Mr. McKee said UDOT was being really good with him and if time would help things to work in his favor then that would be good. He said the process of transferring this is costing him about \$2,000. He said in the end he just wants to be able to keep doing what he was doing and he doesn't want to lose his permit. He stated there is great value in the permit and even Reagan Signs has offered him money because they are so hard to come by. Mr. McKee stated he feels like he did everything right and just wants recognition that the sign was there and has always been there. Mayor Baker suggested they get legal counsel to look at it. Councilman Reynolds said if it doesn't violate the Land Use Ordinance for no new billboard then it will be okay. Robert Hall **moved** to refer this to legal counsel for the definition of whether or not this is a billboard or not and if it can continue the way it is. Dennis Long **seconded** the motion. The motion passed with all voting aye.

James Richards presented a re-zone request to the Planning Commission for property located at 1661 E 1000 S from RA-2 to I-1. The Planning Commission recommended approval of the request for the re-zone and the matter was brought

***PLANNING COMMISSION
RECOMMENDATION FOR
APPROVAL OF RE-ZONE
REQUEST BY JAMES***

before the City. Mr. Richards reported to the Council that he and Lloyd Swain submitted a joint application to request a re-zone for the 2.5 acre lot owned by him and for 2.5 acres he would be purchasing from his family (Lloyd Swain) if the Council approved it. He told the Council he would like to build a storage facility in this location and needs to have the full piece of his property zoned industrial. Mr. Richards explained his 2.5 acre lot is split by zones and with the current land use regulations he would only be able to encroach 100' into the RA-2 zoned portion of his lot for his storage facility, leaving 70' of the lot that he couldn't use. Councilman Olsen asked how the City was involved in him purchasing the property from his family trust. Mr. Richards said he wants to be able to build the facility on the whole thing but wants to have it all industrial before he buys it. He stated that would make the full five acres an industrial zone, which is required for storage units. Mr. Richards said he needs to know he can do that before he spends the money to buy the property and to have all the engineering done. Councilman Kitchen wanted to know what happens if the City approves this and then it turns out he can't buy, or the family won't let him buy, the property. Mr. Richards stated Lloyd has already agreed to sell it to him. Councilman Kitchen wanted to try and understand what Mr. Richards would do if for some reason it turned out he couldn't get the additional property. He said he didn't have an issue with the re-zone request he just wanted to know what he would do with the piece he currently owns. Mr. Richards said they would build what they could on his piece of property. He stated they need the additional 2.5 acres to have room for the retention pond and also for snow removal. Councilman Reynolds said he also had a concern because he was contacted by someone asking what the City was doing with "their" property. He said there might be some issues with other members of his family. Councilman Reynolds stated he had no problem approving the re-zone request if Mr. Richards legally owns the property. Mr. Richards asked if they would give approval to re-zone what he already owns and he will get a deed for the other and come back, if he could get the word of the Council that they will approve the re-zone of the other parcel. Councilman Reynolds stated he didn't have an issue with the request, he just wanted to make sure Mr. Richards legally owns the property before they say yes. He felt like there were others in the family that might have an issue with it and didn't want to be in the middle of a family fight. Mayor Baker said they have no issue with approving the re-zone of the piece of property Mr.

***R I C H A R D S F O R
PROPERTY LOCATED AT
1661 E 1000 S FROM RA-2
TO I-1***

Richards owns now and stated they don't have a problem doing the other parcel but want to have a legal description of the piece he will be purchasing before giving that approval. Mr. Richards said that would be fine as long as the Council would give their word they will approve the re-zone of the other parcel. Councilman Long stated they have no reason not to. Robert Hall **moved** to approve re-zoning the parcel currently owned by Mr. Richards from RA-2 to I-1, and they agree in principle to approve the re-zone of the other 2.5 acres once Mr. Richards owns the property. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mr. Richards wanted to make sure it was not going to cost him any more money to re-zone the other parcel. Nikki stated the request presented to Council was for both pieces and it would not cost him any more for the re-zone.

Council members were presented with the Department of Public Safety Division of Emergency Management Articles of Agreement for their approval. This is a yearly agreement the City enters into in order to qualify for grants from the Division of Emergency Management. Robert Hall **moved** to approve the Mayor to sign the Articles of Agreement. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Bret Reynolds with CIVCO Engineering was in attendance to discuss a possible turn lane on 2000 East. Mr. Reynolds stated he was there at the invitation of the Mayor. He said the road is already wider in front of the golf course entrance and Mayor Baker asked him to look into the cost of putting in turn lanes that would also serve the entrances to the subdivisions located there. Mr. Reynolds said the intent would be to add it to the work already being done with the

***MOTION TO APPROVE
DEPARTMENT OF PUBLIC
SAFETY DIVISION OF
EMERGENCY
MANAGEMENT ARTICLES
OF AGREEMENT***

***DISCUSSION FOR TURN
LANE ON 2000 EAST***

widening of the road and the 5' shoulders. Councilman Olsen asked what impact there would be on property owners to the north? He asked if it would go as far as Mrs. Mayberry's driveway. Mr. Reynolds said it would not, everything would be toward the top of the hill. He mentioned a power pole on the east side of the road that would need to be moved, he said there would actually be two that would need relocated. Ms. Adams asked what they were trying to do with this. Mr. Reynolds said they were looking at a center lane. He said the project involves putting in 5' shoulders and widening the existing lanes. He said the Mayor asked what it would take to put in a center turn lane while they were already doing the street widening project, and to add a little more safety. Mr. Adams wanted to know if that meant paint. Mr. Reynolds said there would be some construction work on the north and south to make it wider. Councilman Hall asked if this would come from the funds already received for this project. Mr. Reynolds said yes and it would save in mobilization costs if it's something the City decided to do later. Ms. Adams asked if they were acknowledging that traffic on this road is increasing. Mr. Reynolds said he was acknowledging that the Mayor asked him to look at the cost of doing it. Mr. Reynolds stated they would still need to do the design and the cost he had was just a preliminary cost. He said right now they are at about 1.4 million dollars with a 1.6 million dollar budget, so they have about \$160,000 of contingency. Councilman Kitchen wanted to know if widening the gulches and the storm drain pipe were accounted for yet? Mr. Reynolds said they were not. Councilman Kitchen said that means there is not that much contingency if they do that. Councilman Kitchen said they have already instructed them to do some additional work that has not been included in their figures. Mr. Reynolds told the Council the turn lanes would cost just under \$50,000. He said the relocation of the power poles probably would have been a big cost but according to the franchise agreement those could be moved at no cost to the City. Councilman Kitchen said he understands what the Mayor is wanting but he wants the engineers to figure in the cost of what the Council has already instructed them to do with the gulches and the storm drain pipe and bring those costs back before he would be comfortable giving approval on this. Mayor Baker just wanted the Council to take a look at it for the safety factor and the savings on paying for mobilization at a later date. Councilman Kitchen stated he didn't disagree that it would be a good idea but they have to figure out what they can and can't afford to do. No action was taken on this matter.

Robert Hall **moved** to go into a closed session to discuss the character, professional competence, physical or mental health of an individual. Dennis Long **seconded** the motion. The motion passed with all voting in the affirmative.

CLOSED SESSION

Dan Olsen **moved** to reconvene into regular council meeting. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Mayor Baker introduced Gwen Harrison as the new administrative assistant and planning tech. He stated Ms. Harrison would begin work on Monday morning.

INTRODUCTION OF NEW EMPLOYEES

Mayor Baker introduced Mike Davis as the new City Manager. He stated he will work part time with the City until he can start full time in September. Mayor Baker thanked them both for their willingness to turn in an application and accept the jobs. Robert Hall **moved** to ratify the employment agreement with Mike Davis and appoint him as City Manager. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Dennis Long **moved** to approve hiring Gwen Harrison. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Councilman Kitchen stated the County Commissioners are selecting the new board members for the new Special Service District and wondered who was going to sit on that Board from the City. Mayor Baker said this was actually the same thing he was going to discuss under other matters. He said he does not necessarily want to be on another board right now but felt it was important to be involved as they begin to set up this new District. He felt like he could do that until the end of the year and then maybe make some

OTHER MATTERS - FUTURE COUNCIL MATTERS

changes at that time.

Nikki Kay asked the Council to set a date for a public hearing to open and amend the budget. She thought it would be good to wait until Mr. Davis would be here full time. It was decided to set a public hearing for September 23, 2021.

With no other business before the Council, Dan Olsen **moved** to adjourn the meeting at 9:00 p.m. Robert Hall **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 9th DAY OF SEPTEMBER 2021

BY: _____

ATTEST: _____